

Mr. MURPHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 53, nays 45, as follows:

(Rollcall Vote No. 234 Ex.)

#### YEAS—53

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Wyden
Hassan	Padilla	

#### NAYS—45

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoehn	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Paul	Young

#### NOT VOTING—2

Cramer Toomey

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Ohio.

#### UKRAINE

Mr. PORTMAN. Mr. President, I come to the floor again today to update people on what is happening in Ukraine as Russia continues its illegal, unprovoked, and brutal assault on that country and talk more about what we can do here in the Congress and as Americans to help the people of Ukraine during this desperate hour. This will be the 16th consecutive week I have come to the floor to discuss the invasion while the Senate has been in session.

We are now on the 118th day of this war on Ukraine. In response, the bravery and effectiveness of the Ukrainian defenders has been unbelievable, truly impressive, but not surprising because they are fighting to defend their homeland, their families, and their freedom.

They have shown again and again the power that comes with that. Just 4 days ago was another example of Ukrainian tenacity and success against a much bigger and better armed Russian army. Last Friday, Ukrainian military officials announced that they struck and sunk a Russian vessel in the Black Sea using two Harpoon anti-ship missiles supplied by the West. The ship was carrying personnel and anti-aircraft equipment to Snake Island, which the Russians invaded early on and used as an outpost to assist in their blockade of Ukraine.

This action marks the first time that Ukraine has destroyed a Russian vessel with a new, Western-supplied armament. It is an example of what we can do, the United States and other allied countries, 42 of us who are helping Ukraine, giving them the tools they need to defend their homeland.

By the way, the Ukrainians have now sunk so many Russian ships that the head of the Odessa Oblast military administration remarked that Ukraine is creating "an underwater brigade at the bottom of the Black Sea."

Despite these successes in the Black Sea, Russia has taken the upper hand in the critical area east of Ukraine called the Donbas. The Donbas region is this area of Ukraine in eastern Ukraine where Russia has really focused its forces. Previously, you recall they took Crimea in 2014, and they took a part of the Donbas—Donbas and Donetsk areas. Now they are trying to take the entire Donetsk region and more.

Although the Ukrainians are fighting valiantly in this area of the Donbas, they are simply being outgunned by the Russians, who have longer range and very accurate Russian missiles. The stakes are really high right now. The fate of a sovereign country to remain free hangs in the balance. But not only that, if Vladimir Putin is successful here in the Donbas in taking more than he already controls, I think it would be naive to believe he will stop there. Based on his own words, he won't stop there. The Baltics could be next. He already has a puppet dictatorship here in Belarus. These countries—Baltics, Poland, Romania, where I was recently, Moldova—they are all concerned and rightly so. We cannot allow him to achieve these goals.

Last Wednesday, the Senate Ukraine Caucus, which I cofounded along with Senator DICK DURBIN, hosted six members of the Ukrainian Parliament, or Rada, leaders in the Parliament who came to talk to us, along with Ukrainian Ambassador to the United States Oksana Markarova. They offered a very blunt view of the current war, which we have now heard many times over these past several weeks.

Ukrainian soldiers are fighting very hard to defend their homeland, but Russia is incrementally advancing, killing 100 to 500 Ukrainian soldiers every day, as well as dozens of civilians, and destroying cities in the

Donbas area with a steady barrage of missiles. Russia is sitting back and firing these guided missiles with impunity because the shorter range Ukrainian missiles can't reach them.

The delegation of Ukrainian Parliament leaders included David Arakhamia, one of Ukraine's lead negotiators with the Russians. He told us the Russians are essentially delaying negotiations until Russia has secured control over this whole area of the Donbas, and then they will pretend to engage in negotiations while taking that time to recover their combat power and prepare for yet another offensive.

Russia must not be allowed to continue to gain ground in the Donbas. We have to get the Ukrainians what they need to protect themselves, the weapons and equipment they need to be able to succeed so they can have negotiations with the Russians but on their terms, not the Russians'.

There is a solution to the Ukrainians being outgunned. Over the past several years, Ukrainian officials have specifically requested the advanced weapons rocket artillery systems. The United States operates one such system. It is called the HIMARS, or High Mobility Artillery Rocket System. We have hundreds of these in our inventory, many of which are not with Active units. They are superior to Russian artillery in almost every respect—mobility, reload time, accuracy, and most importantly, range. Yet, during Ukraine's hour of need, it has taken us too long to respond, and we are providing too few units to make a serious impact.

Three weeks ago, the administration did announce they would send HIMARS to Ukraine but just four units.

With the time it takes to train Ukrainian soldiers on how to operate this platform, the systems will not be combat ready until at least this week, according to press reports. So we announced it a few weeks ago, but every day brave Ukrainians have been dying and Donbas cities have been systematically destroyed and the countryside has been conquered step-by-step.

We must act more quickly, and we must do more. The Wall Street Journal editorial board recently expounded on this argument in very stark terms when they said:

How many rocket systems do our friends need? [Well] a . . . military adviser [from Ukraine] told [a reporter recently]: "If we get 60" systems "then the Russians will lose all ability to advance anywhere, they will be stopped dead in their tracks. If we get 40 they will [be able to] advance, albeit very slowly with heavy casualties; with 20 they will continue to advance with higher casualties than now."

We are providing four.

When I met with the Rada, they told me that they would need at least 48 advanced rocket artillery systems to have a meaningful impact. So, again, so far we have only provided four. My hope is, based on conversations I have had with the administration, that more are coming. But any new units announced won't reach the battlefield

with trained crews for roughly 3 weeks. Defense officials know that we need to move more quickly, and I hope we will.

I am pleased to report that the Brits, the UK, and also the Germans have offered their own rocket systems similar to ours—in fact, the British system is bigger than ours—but only three apiece.

To address this, today I sent a letter with my colleagues Senators Durbin, Blumenthal, and Grassley to Secretary of Defense Austin urging the administration to rapidly send significant amounts of these advanced rocket artillery systems to Ukraine, working with our allies.

In our inventory, we have hundreds of these HIMARS, and getting these systems to Ukraine could be a game changer. We need to send them more quickly so they have a fighting chance in this war.

With these systems in their arsenal, I believe the Ukrainians could turn the tables on the Russians, just like they have done in so many other places. Remember, in Kyiv, the success there. In Kharkiv, they are having some success pushing back the Russians there.

Even here in the eastern part toward Kherson, they are having some success, but they need help here with regard to these artillery systems. It is an artillery battle.

The Wall Street Journal Editorial Board went on to say:

The stakes are high, [but not just] for Ukraine. If the Russian military mops up the Donbas, Vladimir Putin will have grabbed more land that he can sell at home as a victory. He can then regroup and push south[east] toward Odessa—

Down here—

robbing the Ukrainians of their coast line and building a bridge to Transnistria in Moldova.

Up here.

Europe will be less secure, and Mr. Biden will bear some responsibility.

The editorial continued with the threat to other nations, saying:

Skeptics of U.S. aid to Ukraine like to say we can't support the country forever. But that's all the more reason to get Kyiv the right weapons sooner and in enough numbers so Ukraine can stop and then roll back Russian advances. That's the only way to get Mr. Putin to the negotiating table with any hope of a cease-fire on Ukrainian terms favorable to NATO.

I think they are right. We just provided \$40 billion for Ukraine—very generous from the U.S. taxpayers. Roughly, \$21 billion of that goes toward military.

I am not suggesting we spend more than that. I am suggesting that we use the \$21 billion in a more effective way to give them what they actually need to be able to push back against the Russians, given this current threat.

Russia won't stop at the Donbas. They will conquer the rest of Ukraine's Black Sea coastline, as was said in this editorial. This, by the way, would landlock Ukraine, one of the great exporters of the world. It is an attempt to ruin the country economically.

One thing that has become crystal clear over the past decade, Russia only responds to strength. When President Putin has sensed weakness, that is exactly when his aggression has increased. He invaded Ukraine 4 months ago because he believed that Ukraine and the West would not respond forcefully. He believed he could divide NATO.

Both of these assumptions proved to be wrong, and Russia was initially pushed back. But note that they just kept coming, now believing that freedom-loving democracies around the world will become war weary; that our attention span is too short.

He believes he can outlast us. I am concerned that some are losing interest. Look at the news coverage. Ukraine often is no longer in the headlines, not in the nightly news, even though the destruction continues; the bombing of civilian targets continues; the war crimes continue.

I am concerned that some are forgetting the global stakes involved in this war and how important it is to ensure that Ukraine wins and Russia loses. If Russia senses that the West is weak and distracted and losing interest in Ukraine, it will continue this war and bring it ever closer to our NATO allies.

That is exactly why we need to provide Ukrainians what they need to fight back right now, especially these HIMARS systems. We must accelerate our deliveries if we are serious about supporting Ukraine.

Fortunately, other nations continue to offer support. During last week's meeting of the Ukraine Defense Contact Group in Belgium, Secretary of Defense Austin urged nations "not to lose steam" in their efforts to aid Ukraine during Russia's invasion. Good for him.

He reported that Germany will offer three long-range artillery rocket systems with ammunition to follow the UK's example, and Slovakia is promising helicopters and ammunition. Poland, Canada, and the Netherlands have promised more artillery. Forty-two nations have stepped forward, in all, to provide military assistance to Ukraine, not just us.

Several of these leaders also committed to Ukrainian officials that the West would not demand any territorial concessions from Ukraine to appease Russia and will support Ukraine to the end of this war.

That is very welcome news. Making any territorial concessions to Russia would only embolden Putin and other future would-be conquerors. The lesson they would learn is that with enough patience, we can wear down the West and get what we want.

We saw how the territorial concessions worked in the late 1930s. It only increased Nazi Germany's appetite. Nazi Germany was not led to think that if they took over one country, that they couldn't take over the next.

The United States needs to join our allies and continue to reaffirm our un-

wavering commitment to Ukraine's territorial integrity. While we continue our mission, Americans of all stripes have gone to Ukraine to help, some as volunteers. Some have gone actually to help fight alongside Ukraine forces to defend that democratic country.

According to reports, two Americans have been taken prisoner by Russian-backed forces, and a third American is missing. We need to get our people out.

Just yesterday, the Kremlin's chief spokesman told NBC that the two Americans are not protected by the Geneva Convention. He stated they should "be held responsible for the crimes they have committed."

By the way, the only "crime" they have committed was fighting back against the Russians and helping Ukraine, an ally and a democracy, defend its sovereign territory.

The Russians seem to be so accustomed to killing unarmed Ukrainian civilians that they are shocked when anyone on the other side actually dares to shoot back.

Let me be clear: These Americans are prisoners of war subject to the protections of the Geneva Convention, and any unlawful prosecution would be an unacceptable acceleration, an escalation by Russia. I expect the administration to develop a plan to address these men's situation and get them out of Kremlin captivity. That is on the military side.

On sanctions, when it comes to funding for Russia's war machine, last week the Treasury Department announced it will allow certain energy-related transactions with SberBank, VTB Bank, Alfa Bank, and several other Russian entities to continue until December 5.

The United States has already banned imports of Russian oil and gas and imposed sanctions, but now the administration seems to want to extend bank transactions on Russian oil and gas sent to European countries. That doesn't make sense to me. There have been bipartisan calls here in this Congress to put a halt to sending President Putin the money to fund his war machine. Remember, the EU is using Russian oil and gas, dependent on it in many cases, and sending roughly \$870 million a day to Russia to fund that war machine. So why would we want to extend these licenses to early December?

I asked the Department of Treasury about this and was told that it was to align with the EU sanctions. I fear we are letting EU lead while we follow with softer sanctions than we must have in order to get Russia to feel as though there is some impact here; that what they are doing in Ukraine is hurting their economy.

America needs to lead from the front on sanctions, not lead from behind. When we do lead, by the way, others follow. This is true with the revived NATO right now. It is 30 countries strong, and members are more committed than ever to pushing back against this Russian invasion.

In fact, in the wake of Russia's invasion of Ukraine, Sweden and Finland have shrugged off a long history of neutrality to apply to join NATO. I applaud them for this and look forward to voting in favor of their accession treaties on the U.S. Senate floor here very soon.

Tomorrow, in fact, the Senate Foreign Relations Committee is going to hold a hearing on their interest in joining the alliance. I urge my Senate colleagues to support this, and instead of causing global division, as he meant to do, show President Putin that he has brought NATO together and added to the strength of NATO.

I urge swift consideration of NATO expansion. Let's bring the Swedes and the Finns into the fold. We can't forget that Russia has claimed this war started because Ukraine wanted to join the NATO alliance. It is certainly true that as they reaffirmed in 2014, when they threw off a Russian-backed corrupt government, the people of Ukraine have been looking westward, not eastward.

Of course, they want to join NATO and they want to join the European Union and they want to form ever closer bonds with the transatlantic community—and they have made significant progress in doing this. This brutal invasion is just Russia's latest attempt to throw that progress off course, to stop them from what is their inevitable move to the West. We must not be deterred.

As I have said before, Ukraine deserves NATO membership and immediately the NATO membership action plan to provide a clear path to eventual membership. At the NATO summit in Madrid last week, much of the attention will rightfully be focused on Sweden and Finland, but I urge the leaders gathered there to remember Ukraine and Georgia in a similar situation as well.

Just last Friday, there was some big news. The European Commission recommended that Ukraine be granted candidate status to join the European Union. That is not NATO, but it is the European Union, the political union.

The recommendation by the European Commission, the EU's executive body, is a significant step forward toward EU membership. The Commission also recommended EU candidate status for Moldova, a country with its own troubled history with Russia.

Here we see Moldova between Romania and Ukraine. Transnistria is right along here, which is controlled by the Russians, a small part of Moldova. I visited Moldova last month and met with their government, including their Prime Minister.

We have a very strong partner in Moldova. They, too, are looking to the West. The people of Moldova want their freedom and freedom from Russian intimidation. When the leaders of the EU meet next month in Brussels, I hope they will strongly support both Ukraine's and Moldova's candidacies toward the European Union.

Soon, the Senate is going to adjourn for a couple of weeks. During that time, Ukraine will be continuing to defend its territorial integrity. I have now come to the floor, as I said, every week to highlight this fight—every week since this illegal, unprovoked, and brutal invasion began.

The Ukrainian people just want to live in peace, including with their neighbor, Russia. This is our fight during our generation where democracy is on the line. How this war develops will have far-reaching impacts on all of us, all freedom-loving countries, including the United States of America.

Most of us in this Chamber, Republicans and Democrats alike, get that. We know that America can't afford to stay on the sidelines and be a spectator in this conflict. At this crucial time in the battle for freedom, democracy, and the ability for countries to decide their own future, America cannot afford to be tentative. That is why we need to supply them with these mobile rocket launchers, the HIMAR system, to have the range and the ability to protect themselves.

Let's not be tentative. We must remember the lesson of the late 1930s: that appeasing tyrants will not satiate their desire to violently conquer and subjugate their neighbors. Ukrainians certainly understand this. They know what it is like to live under the thumb of authoritarians, the Soviets, the Russians, and they broke away from that and toward democracy, first in 1991 and again in 2014.

I was in Ukraine after the Revolution of Dignity, which is what they call it, in 2014, where Ukrainians decided for themselves that they wanted to turn away from Russian domination and corruption and turn to us—Europe and the United States—to pursue a more hopeful future of freedom and democracy.

Now President Putin is trying to extinguish that hope. We cannot let that happen. The countries of the free world are with us but more so when we lead. Now is not the time to equivocate.

At this critical juncture, let's work with allies to provide our democratic brothers and sisters in Ukraine what they actually need to protect their homeland and to defend democracy.

I yield the floor.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Ms. HASSAN). The majority leader is recognized.

#### GUN LEGISLATION

Mr. SCHUMER. Madam President, earlier this evening, Democratic and Republican negotiators finally released, after a lot of hard work, a bipartisan gun safety bill.

This bipartisan gun safety legislation is progress and will save lives. While it is not everything we want, this legislation is urgently needed. As the author of the Brady background checks bill, which passed in 1994, I am pleased that for the first time in nearly 30 years, Congress is back on the path to take

meaningful action to address gun violence.

I will now take the first steps to move this lifesaving legislation on the Senate floor for a vote, with an initial procedural vote tonight. Following that, we will move to final passage as soon as possible. I expect the bill to pass the Senate by the week's end.

I want to commend all of my colleagues—so many who worked so hard on this bill—for their diligent and astute efforts to finalize this legislation. I want to particularly single out Senators MURPHY, SINEMA, CORNYN, and TILLIS, who really led the charge to put this together.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### JOSEPH WOODROW HATCHETT UNITED STATES COURTHOUSE AND FEDERAL BUILDING—MOTION TO PROCEED

Mr. SCHUMER. Madam President, it is my understanding the Senate has received a message from the House of Representatives to accompany S. 2938.

The PRESIDING OFFICER. The Senator is correct.

#### VOTE ON MOTION TO PROCEED TO HOUSE MESSAGE

Mr. SCHUMER. I ask that the Chair lay before the Senate the message to accompany S. 2938, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 235 Leg.]

#### YEAS—64

Baldwin	Graham	Portman
Bennet	Hassan	Reed
Blumenthal	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Burr	Kelly	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Cassidy	Markey	Tillis
Collins	McConnell	Van Hollen
Coons	Menendez	Warner
Cornyn	Merkley	Warnock
Cortez Masto	Murkowski	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Ernst	Ossoff	Young
Feinstein	Padilla	
Gillibrand	Peters	